



Senior Helping Hands

Prevention of Elder Abuse

Friends Volunteer Program

**To: Children, Families, Health and Human Services Interim Study**

**Re: Support for SJ22 "Request for interim study of State Guardianship programs"**

**From:** *Denise Armstrong*

**I am writing to encourage you to vote in support of an interim study for a State Guardianship program.**

*Here's an overview describing the need:*

The graying of Montana presents challenges both medically and socially when older adults become incapacitated and can no longer make their own decisions. Family is not always available or able to help. Community support services such as in-home care, transportation, nutritional services, assisted living or medical care may not be easily accessed when the elder is too impaired to arrange or consent to these services. What happens to those elders is a concern for us all.

Unlike some states, Montana does not have a statewide guardianship program. A guardianship program can save money and ultimately save lives. We are paying more for not attending to issues that we could address through a state-wide public guardianship program.

In 2014, Adult Protective Services of Montana received and investigated 7635 allegations of abuse, neglect and exploitation. Of the total allegations, 50% were related to neglect. Self neglect is more commonly associated with individuals who do not have anyone in their lives to provide assistance when they begin to decline.

**Guardianship overview:**

A guardianship is a court-ordered protective arrangement for a person (called the ward) who has been found by a Court to be incapacitated and in need of someone to make personal decisions and protect the ward's health and safety (the guardian). A guardianship may be used only as is necessary to promote and protect the well-being of the ward.

Montana law defines an incapacitated person as "anyone who is impaired by reason of mental illness, mental deficiency, physical illness or disability, chronic use of drugs, chronic intoxication or other cause to the extent they lack sufficient understanding or capacity or make or communicate responsible decisions concerning his/her person." The court may appoint a full or a limited guardian dependent on the needs of the incapacitated person. A full guardian has the same powers, rights, and duties respecting his ward that a parent has respecting his minor child.

**The benefits for a Public/Private Guardianship program:**

1. It establishes a standard for the duties and responsibilities of a guardian.
2. It provides training for judges, law enforcement and potential guardians.
3. It reduces the strain on social services and the medical field thereby saving tax payer dollars. Society's most vulnerable individuals can be exploited and abused. They may cycle between the streets and jails or institutions, lose housing or go without medical care.

4. It removes the necessity for Adult Protective Services to serve as a Guardian because there are no other solutions.

**Costs of not attending to individuals needing Guardianships:**

**Law Enforcement** – They field many calls for problem resolution, investigation, seeking out social service intervention for individuals who do not have capacity to take care of their own needs.

**ER visits and Medical Care** – Individuals who are unable to meet their own needs and make decisions in their own best interest have increased ER visits, do not practice preventative medical care and have a higher incident of more serious medical incident requiring more expensive and invasive medical procedures. This results in increased costs to Medicaid and Medicare programs.

**Adult Protective Services-** Approximately 50% of the elder abuse cases investigated by APS is self-neglect. Many of these cases take hours of case work to reduce risk through intervention activities including arranging housing, medical care, legal services, etc. APS often intervenes with persons who could benefit from the appointment of a guardian. This resource is limited or non-existent across most of Montana. Persons who lack capacity make poor personal decisions which place them at high risk for financial exploitation and other forms of abuse. They are referred over and over to APS, and come to the attention of law enforcement, hospitals and the courts. The entire social service system is affected.

**Social Service Agencies** – They spend a great deal of time assisting folks that are unable to meet their primary needs and could benefit from someone to look after their affairs. Many of these individuals are having difficulty as a result of lifestyle issues or financial problems. Some are incapacitated, and those individuals present special challenges to agencies when trying to explain or coordinate services to a person with limited understanding.

**Financial** – Incapacitated individuals often deprive themselves of necessary care and assistance to meet their primary needs. They may be impoverished. They may live in poverty though not impoverished. They frequently have little or no ability to handle their financial affairs and are at significant risk of eviction, exploitation, malnutrition and homelessness.

**Mental Health issues** – Some individuals with mental health problems may also lack capacity. They may not comply with care and treatment and are removed from the very systems that are designed to assist them. These individuals frequently become homeless or incarcerated for behaviors that result from their mental illness.

**Institutional Care** – Without adequate services in place to meet the needs of individuals, they have a higher rate of expensive institutional care

**Request and Conclusion:**

State guardianship programs work in other states. We believe Montana is ready for a state guardianship program.

Thank you for your support and all you do to help create a better Montana.

Much appreciation,

Denise Armstrong, Executive Director  
Big Sky Senior Services, Inc.  
Yellowstone County Guardianship Council